

REGULAR MEETING

MAY 2, 2007

7:00 PM

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, Councilmembers Crowley, Luis and Starkey. Also present were Town Attorney Cherof, Assistant Town Administrator Cohen, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex explained the rules for the Open Public Meeting.

Domiano Pignato thanked Councilmember Crowley for appointing him to the Planning and Zoning Board, and Council for approving his appointment.

Judy Paul congratulated David Amchir, recipient of the Prestige Club's Presidents Award.

Ms. Paul said she had attended the Water Management District meeting recently, and announced that they had approved the piping of the Orange Park canal.

Ms. Paul said there had been discussion of reinstating the Tree Legacy Program, and asked interested parties to contact her.

Ms. Paul requested an update on park conservation easements. She was concerned that "lands set aside in perpetuity" could actually be removed from the perpetuity list.

Ms. Paul was concerned that Council had not had their goal setting session yet.

Ms. Paul wondered if Mr. Shimun would request reimbursement for the PhD program in which he was enrolled, and felt this was unnecessary. Councilmember Starkey was unaware that Mr. Shimun was pursuing a PhD, but thought that reimbursement for educational expenses was included in his contract. Vice-Mayor Caletka suggested they address this issue when Mr. Shimun was present.

John Ladue presented photos of the berm behind his property and expressed concern about privacy on Hiatus Road. Councilmember Starkey thought someone was addressing a corrective landscaping plan. Mr. Cohen agreed to provide an update to Council on the Hiatus Road issues for the next Council meeting.

Barbara Caballero asked Council to reconsider their vote at the prior meeting regarding the Charter School site plan.

Jimmie Newton stated his opposition to the Charter School. Councilmember Starkey explained that the Charter School site plan had expired, and Council had voted to extend it. She stated that there had been several pending issues the School had needed to resolve with Broward County and with Davie, and they had needed to redesign the site plan. Development Services Director Mark Kutney added that the original site plan had been approved approximately four years ago, at a time when there were no requirements for public participation meetings. Due to neighborhood concerns subsequent to the approval, several public input meetings were held and changes were made to the site plan pursuant to that public input. The site plan was reviewed at the previous meeting at the applicant's request, and Council had the option to re-approve the site plan or force the school to start the process again. Council had re-approved the site plan.

Mr. Newton asked why the neighbors had not been notified of the re-approval at the previous meeting. Mayor Truex explained that in order for the item to be reconsidered, a Councilmember who had voted in favor of it the previous meeting must move at this meeting to reconsider it.

Bob Martinez asked for extension of the wall that separated his property at 6838 SW 43 Court and the new Fire Administration building because the completed wall was 12 feet short. He presented a diagram of the area and photos of the existing wall. Councilmember Crowley said he had spoken with

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Mr. Martinez and encouraged him to request this of Council. Mr. Cohen said staff had already visited the property and the additional 12 feet would be constructed.

Louis Cohen, Pine Island Bay resident, was concerned about the Charter School, and warned about the number of Charter Schools that failed. He pointed out that the School would be open to any resident of Broward County, not just to Davie residents. He asked Council to reconsider their vote from the previous meeting.

Mayor Truex stated items 4.15, 4.18 and 6.2 were requested to be tabled to June 6, 2007. Mr. Cohen explained that the applicant had not received an answer regarding the drainage issues as yet.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Cohen explained that items 4.3 and 6.1 had been withdrawn.

Mayor Truex announced that item 4.19 needed to be added.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 February 21, 2007 (Regular Meeting)

4.2 March 7, 2007 (Regular Meeting)

Resolutions

4.3 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE. (tabled from March 7, 2007)

4.4 **CONSULTING SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF AON CONSULTING, INC. TO PROVIDE HEALTH INSURANCE CONSULTANT SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES. (tabled from April 18, 2007)

4.5 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR FIRST AID SUPPLIES AND EQUIPMENT. (lowest bidder - \$120,000)

4.6 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR ASPHALT RECREATIONAL TRAIL OVERLAY. (United Underground Contractor Corp. - \$15,000)

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- 4.7
R-2007-122 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH GEOGRAPHIC TECHNOLOGIES GROUP FOR GIS SERVICES.
- 4.8
R-2007-123 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND KEMP GROUP INTERNATIONAL CORPORATION FOR SCHOOL CROSSING GUARDS FOR THE POLICE DEPARTMENT. (\$250,000)
- 4.9
R-2007-124 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT FOR A REGIONAL BIOSOLIDS MANAGEMENT AND PLANNING STUDY BETWEEN THE CITY OF PLANTATION BROWARD COUNTY, CITY OF FORT LAUDERDALE, CITY OF MARGATE AND TOWN OF DAVIE. (\$100,000)
- 4.10
R-2007-125 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE HISTORY OF CHIVALRY AND THE TOWN OF DAVIE FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A PROFESSIONAL MEDIEVAL KNIGHT COMPETITION. (\$750 arena rental fee)
- 4.11
R-2007-126 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF THE DAVIE FARM PARK (OS-133); AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE.
- 4.12
R-2007-127 **MANAGEMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE PROVIDING THAT THE TOWN WILL PROGRAM THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL PARK MANAGEMENT PLAN FOR THE DAVIE FARM PARK (OS-133), INTO THE TOWN'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM WITHIN TWO YEARS.
- 4.13
R-2007-128 **QUIT CLAIM DEED** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR RIGHT-OF-WAY FROM D & L INVESTMENT PROPERTIES, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.14
R-2007-129 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT OF \$3,620.00 (PLUS ASSOCIATED SHIPPING AND HANDLING COSTS) FOR THE PURCHASE OF GUN HOLSTERS FOR THE DAVIE POLICE DEPARTMENT'S PLAIN CLOTHES OFFICERS AND DETECTIVES. (National Law Enforcement Distributors, Inc.)

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- 4.15 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "STONE BRIDGE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 3-2-06, Stone Bridge Estates Plat, SW 26 Street and Flamingo Road) (tabled from April 4, 2007) [see related items 4.18 and 6.2]** *Planning and Zoning Board recommended approval subject to the understanding that the Board was not making a judgment on the appropriateness of the SW 26 Street access*

Temporary Use Permits

- 4.16 TU 3-2-07, Commerce Bank, 5997 Stirling Road (construction trailer)
4.17 TU 4-1-07, Young at Art, 11584 W State Road 84 (children's festival)

Quasi-Judicial Consent Agenda

- 4.18 MSP 11-2-05, Stone Bridge Estates, SW 26 Street and Flamingo Road (AG) **[see related items 4.15 and 6.2]** (tabled from April 4, 2007) **03/13/07** - *Site Plan Committee recommended approval based on the seven items left over from the last meeting and the following: 1) that the applicant provide tree wells or retaining walls as required for the trees which were to remain and which the applicant would build around; 2) that the entrance road would not have any driveways connected onto it (just for that length of road that comes from Flamingo Road down to the loop); 3) check with Central Broward Water Control District on the berm and drainage easement; 4) add the sidewalk on the west side of the entrance road that enters the loop; 5) add 2x4 wood barricades for tree protection on all trees slated to remain on the tree landscape plan; 6) have a minimum Code black vinyl chain-link fence that separates the recreation trail from the site to be constructed before land development and to have gates from each lot into that pedestrian trail; 7) that the sheet L-1, dated 3/6/07 mitigation, will be done before the first certificate of occupancy is issued at this project; 8) that the southern property line and a portion of the western property line be cleaned up and the fence repaired (clean up is defined as removing the "invasive and exotics" on the applicant's property and those that have fallen onto the applicant's property); 9) that on each of the seven southern lots and when the landscaping was installed for the house that was being built, that four Oak trees 14-feet tall, be planted on each of those lots in addition to the Code requirement; and 10) that if the Central Broward Water Control District does not grant the variances that are needed, return to show the revisions to the Committee; **02/06/07** - Site Plan Committee tabled to March 13, 2007, subject to meeting with the Town's Urban Forester and Ms. Lee in order to walk the site and assess the buffer issue as well as label trees as discussed; subject to the Development Review Agency's [Committee's] comments; subject to staff's recommendations; and the following provisions: 1) exclude the ten-foot buffer at the northeast corner entrance from lot '2' and adjust the square footage of that lot accordingly; 2) install pavers or stamped concrete across the road to delineate the horse trail crossing with a fence and bollards installed to prevent motor vehicles from accessing the horse trail; 3) add a fence in addition to the hedge between the horse trail and the lots in the northern section at the time of lot construction so people do not incorporate the horse trails into their backyards; 4) site plan approval will be required for each individual house; 5) change the horse trail surface to stabilized sod; 6) provide*

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a perimeter hedge along the buffer on Flamingo Road; and 7) continue the recreational trail coming from the northern boundary line along the west side of the entrance road until it reaches the sidewalk

Item to be added

4.19 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2007-130 MAYOR TO EXECUTE CHANGE ORDER #2 WITH EXTREME RESTORATION
SERVICES INC. TO INSTALL ROOF INSULATION AT FIRE RESCUE STATION
NO. 68

Councilmember Crowley pulled item 4.4 from the Consent Agenda. Mayor Truex pulled item 4.19.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the consent agenda minus items 4.4 and 4.19. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Councilmember Crowley explained that his concern with Sapoznick Consultants had been their fees, and he felt they were now in a better position to renegotiate the fees. He now favored bringing Sapoznick Consultants back. Mayor Truex thought this was a bad idea, as using a bid for leverage alone brought “disrepute on the whole bid process.” Vice-Mayor Caletka said he favored retaining Sapoznick Consultants, but wanted to keep the fee “around that same amount.”

Mr. Cohen reminded Council that this was not based on cost. He noted that Sapoznick Consultants had served as the Town’s broker and consultant, and this was what Council had wanted to get away from. Ms. Sapoznick had offered to give the Town a fixed dollar amount, but it was more than the old amount.

A representative from AON Consulting explained that they would host a seminar soon addressing many issues, including wellness and described their fraud prevention measures. Another representative described methods they used to control costs.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the number one bid selection of AON.

Vice-Mayor Caletka said he would vote against the motion, as he favored the former consultant. Councilmember Luis hated to see the former consultant removed when she had been doing a good job. Mayor Truex said they should not have bid it out then, they should have met with Ms. Sapoznick.

In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - no; Councilmember Luis - no; Councilmember Starkey - yes. (Motion failed 2-3)

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to negotiate with Sapoznick Consultants for consulting services.

Councilmember Crowley asked to amend the motion to negotiate a new fee with Sapoznick Consultants. If this was not possible, staff could negotiate with AON.

In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - no. (Motion carried 3-2)

Mr. Cohen pointed out that the fee staff negotiated must be approved by Council, and there were time constraints.

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4.19 Fire Chief Don DiPetrillo explained their work to address environmental issues at Fire Station 68.

Councilmember Starkey asked about change orders for the project. Chief Petrillo explained that this was the only change order to the original amount. Councilmember Starkey asked if insurance would cover any of the costs, since this related to hurricane damage. Risk Manager Dan Lutzke explained that this was possible and stated they would file a claim for it.

Councilmember Crowley made a motion, seconded by Mayor Truex, to seek reimbursement from the insurance company. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue) (tabled from February 7, 2007) *Planning and Zoning Board recommended denial* {**Approved on First Reading on January 17, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes**}

This item was tabled earlier in the meeting.

- 6.2 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-05, Rhon Ernest-Jones Consulting Engineers/Nichols Associates, Ltd., southwest corner of Flamingo Road and SW 26 Street) (tabled from April 4, 2007) [**see related items 4.15 and 4.18**] *Planning and Zoning Board recommended approval* {**Approved on First Reading on April 4, 2007 subject to Central Broward Water Control District review; tree survey and relocation, protection from vehicle on radius; decorative guardrail around water body; redesigning lot 6 because of oak trees; stone-walk along bridge; bonding for trees; brick pavers; revised plat for review. All voted in favor**}

This item was tabled earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held May 16, 2007)

- 6.3 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES TO REPLACE THE TERM "OCCUPATIONAL LICENSE" WITH "BUSINESS TAX"; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the May 16, 2007 meeting.

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Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - out of the room; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, BOARDS AND COMMITTEES OF THE CODE OF ORDINANCES, ADDING A NEW SECTION 2-77 TO AUTHORIZE CANCELLATION OF BOARDS/COMMITTEES MEETINGS WHEN NO ITEMS ARE ON THE BOARDS/COMMITTEES' CURRENT AGENDA OR WHERE THE BOARDS/COMMITTEES MEETING'S START TIME IS DELAYED MORE THAN THIRTY (30) MINUTES DUE TO A LACK OF QUORUM; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the May 16, 2007 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Luis made a motion, seconded by Councilmember Crowley, to accept the amendment as is. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

7. APPOINTMENTS

7.1 Mayor Truex

- 7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.2 Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.1.3 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Vice-Mayor Caletka

- 7.2.1 Planning and Zoning Board/Local Planning Agency (one exclusive nomination; term May 26, 2007 to May 21, 2006) (member must be a resident and qualified voter; **nominations require Council approval**)

Vice-Mayor Caletka made a motion to re-appoint Phil Busey to Planning and Zoning. In a voice vote, all voted in favor. (Motion carried 5-0)

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7.3 Councilmember Luis

7.3.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

7.4 Councilmember Starkey

7.4.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

7.4.2 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made. Councilmember Starkey asked that a letter be sent to park owners to encourage them to join this board.

7.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

8.1 Municipal Attorney Survey Information

Vice-Mayor Caletka thanked staff for the report. He felt an in-house attorney provided the potential for better service, but acknowledged this was not economically feasible. Vice-Mayor Caletka, therefore, reversed his position, and believed they should continue with contractual legal services. He recommended that the Town request letters of interest. Councilmember Starkey agreed that the economic costs were too high and this service should continue to be outsourced.

Vice-Mayor Caletka made a motion to request letters of interest for outsourced legal services.

Council agreed these would all come before Council and they would then short-list them.

Councilmember Crowley seconded the motion.

Councilmember Starkey wanted minimum qualifications included. Mr. Cohen agreed to provide Council with bid specifications.

In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

9. NEW BUSINESS

9.1 Airport Attorneys/Consultant's Scope of Work and Budget

Earlier in the meeting, John Herin, attorney from Stearns Weaver Miller, presented the draft of the FAA Environmental Impact Statement [EIS] from the Fort Lauderdale/ Hollywood International Airport expansion. He said his firm was working towards providing the FAA with comments by the end of May on behalf of the Town. Mr. Herin said he had provided staff with a draft letter outlining the key issues regarding the EIS that would provide the record needed to challenge the FAA's moving forward with the airport project. He noted that the RFD was expected this summer.

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Mr. Herin asked Council to decide if they wanted additional experts to be hired to assist in evaluating the EIS. He estimated his firms fee at approximately \$30,000 to \$35,000, and believed they could meet the deadline and create a record of deficiencies in the EIS. Mr. Herin suggested specific specialists Council might want to retain, and their approximate fees.

Vice-Mayor Caletka asked if it would be possible to share costs with Dania Beach. Mr. Cohen stated they had been sharing costs with Hollywood and Dania Beach, but one year ago, Council had decided to go in their own direction. Councilmember Starkey explained their prior collaboration with Hollywood and Dania Beach. She felt they owed it to residents to create and preserve the record for the future, and wanted to earmark a budget figure to devote to this.

Mr. Herin explained that the fees he mentioned were “not to exceed.” He agreed to share as much information as possible with Dania Beach to reduce overall costs.

Vice-Mayor Caletka agreed with Councilmember Starkey that the Town should pursue this. Councilmember Crowley said he had made a commitment to his constituents to represent them and “fight this all the way.”

Mayor Truex remarked that Mr. Herin’s letter covered all of the issues. He felt it would prove necessary to employ the experts in order to succeed, and recommended they hire them now.

Councilmember Starkey noted that the FAA would not mitigate against noise abatement for mobile home communities and she felt this was a huge problem. She felt the Town would need to bring the talking points based on the mobile home data to the Broward County Commission meeting. Councilmember Starkey wanted the public notified for the public outreach meetings with the FAA and noted that her community had not been notified. Vice-Mayor Caletka intended to hand out fliers in mobile home parks prior to the County Commission meeting. Councilmember Starkey suggested that arrangements be made for bus service to the County Commission meeting.

Mayor Truex informed Mr. Herin that they wanted his firm to prepare the response. Mr. Herin agreed again to communicate with Dania Beach regarding information-sharing. Mr. Cohen advised Council should authorize the attorney to engage the additional experts, with Council agreeing.

10. MAYOR/COUNCILMEMBER’S COMMENTS

CHARTER SCHOOL VOTE RECONSIDERATION. Councilmember Crowley said he had decided to reconsider this because this was now his district and some of his constituents requested it. Vice-Mayor Caletka felt there was merit to reconsider.

Councilmember Crowley made a motion, seconded by Mayor Truex, to reconsider Council’s vote on the Charter School issue from the previous Town Council meeting.

Councilmember Starkey felt this was “beating a dead horse” given the number of public meetings that had already been held. She felt there had been ample opportunity for the public to provide input and become informed. Councilmember Starkey thought it also sent a bad message that the Council would repeatedly reconsider items.

Mr. Cherof explained that if the motion to reconsider passed, Council would need to consider the same issue that had been before them at the previous Council meeting.

Councilmember Luis said that as a rule, he opposed Charter Schools, but this applicant “went through hoops, they met with the public, they made changes...” Mayor Truex stated that when this first passed, there had been no public input because it had not been required at that time. He noted that the “after the fact” hearings then gave the Town no leverage in negotiations with the developer.

Mr. Kutney explained that there were almost a dozen meetings for one year after the site plan was approved. He did not believe the residents were ever totally satisfied with the outcome of the meetings.

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Mr. Kutney confirmed for Vice-Mayor Caletka that the reason the site plan expired was that these meetings had continued for so long, causing the school to lose its charter, for which they had then reapplied.

Vice-Mayor Caletka felt reconsidering this matter amounted to changing the rules on the applicant. He noted he had received one email from a resident on this. Mayor Truex said this was because the neighbors had not received notice.

In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - yes; Councilmember Luis - no; Councilmember Starkey - no. (Motion failed 2-3)

HOMEOWNER'S ASSOCIATION MEETING. Councilmember Crowley asked Mr. Cherof if it was permissible for he and Vice-Mayor Caletka to attend a meeting comprising of residents from both their districts, provided it was noticed by the Town. Mr. Cherof said if the Town provided notice of the meeting and minutes of the meeting were kept, this would comply with the Sunshine Law.

COUNCILMEMBER LUIS

SOUND WALL. Councilmember Luis reported that he had contacted Representative Debbie Wasserman-Shultz's office regarding the sound wall on behalf of one of his district's homeowner's association.

COUNCILMEMBER STARKEY

EAST-WEST TRANSIT. Councilmember Starkey said this had been a concern and she now saw a problem with FDOT forcing the rail to the south of I-595, which she strongly opposed. She noted that the Town owned the right-of-way to the center of the New River Canal and suggested shifting the alignment to put the raised rail on the south side of the canal.

Vice-Mayor Caletka explained that the Metropolitan Planning Organization agreed it was not feasible to have light rail at the present time and they were considering alternatives. Councilmember Starkey thought residents would support a raised rail system on the north side because it would be buffered by the expressway and the canal. Reversible lanes would be in the center line at grade. She suggested a resolution be put on their next agenda and asked staff to make suggestions.

WATER RESTRICTION VIOLATORS. Councilmember Starkey said there were still problems with water violations and asked what actions the Town could take. Mr. Kutney said that Code Compliance Office Danny Stallone had provided him with statistics showing 60 undocumented complaints. He noted that a code compliance inspector must witness the violation, or there must be some evidence to proceed with a case.

Councilmember Starkey felt that golf courses were flouting the restrictions, believing they could not be enforced. Mr. Cohen explained that golf courses with "re-use" water were permitted to water at will.

Councilmember Crowley wanted to issue tickets to violators and not go through the Special Magistrate process. Mr. Stallone explained that staff was creating an ordinance pertaining to the violation of the water restrictions. Mr. Cherof said any arm of law enforcement would be permitted to enforce the ordinance, include police officers.

VAN KIRK. Councilmember Starkey asked staff for information on the Van Kirk parcel wetland and on the time line. Mr. Cohen agreed to provide this.

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VICE-MAYOR CALETKA

\$450,000 SEIBER GRANT. Vice-Mayor Caletka was pleased that the Town had received this grant.

HOMEOWNER'S ASSOCIATION COMPLAINTS. Vice-Mayor Caletka said residents had informed him that if lawns turned brown due to obeying the watering restrictions, homeowner's associations were complaining to residents. He felt that the Town's Code should supercede any homeowner's associations rules, and residents should not be permitted to violate Town ordinances to satisfy the homeowner's associations rules.

MAYOR TRUEX

OPEN HOUSE SIGN ORDINANCE. Mayor Truex asked what the progress was on this item. Mr. Kutney advised that this ordinance would appear before the Planning and Zoning Board this month, and it should be before Council in June.

11. TOWN ADMINISTRATOR'S COMMENTS

NEW PUBLIC WORKS/CAPITAL PROJECTS DIRECTOR. Mr. Cohen introduced the new Public Works/Capital Projects Director, Manny Diaz.

GOAL-SETTING SESSION DATES. Town Clerk Muniz provided Council with possible dates for the goal-setting session with the consultant.

BUDGET PROCESS. Mr. Cohen said they hoped to have a budget to present to Council by the end of May. He explained that since they had been unable to set a date for the goal setting session, if they needed to "tweak" the budget based on the goal setting session results, this would not be a problem.

12. TOWN ATTORNEY'S COMMENTS

WAL-MART UPDATE. Mr. Cherof stated that Wal-Mart had filed a notice of appeal, and he agreed to forward an update to Council.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:40 p.m.

Approved _____

Mayor/Councilmember

Town Clerk